

REMARKS

Claims 1-9, 11-22 and 24-29 are pending. Applicants have amended claim 21. Support of the amendments is found, for example, at paragraphs [0037]-[0040] of the specification. No new matter is introduced. Accordingly, entry and consideration of this Amendment is respectfully requested.

The Examiner has allowed claims 8, 9, 11-20 and 25-29. The Examiner has further indicated that claim 5 recites allowable subject matter and would be allowed if rewritten into independent form to include all the limitations of the base claim and any intervening claims.

The Examiner has rejected claims 1-4, 6, 7, 21 and 22 under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,389,098 to Tsuruta et al. (hereafter "Tsuruta"). The rejection is respectfully traversed.

To maintain a rejection under 35 U.S.C. §102(b), a reference must teach each and every element of a claim. Tsuruta fails to do so.

Applicants' independent claim 1 recites an actuation mechanism. The actuation mechanism comprises a handle assembly, an elongated body extending distally from the handle assembly, a first actuation member carried within the elongated body and extending to a distal end of the elongated body, an electrical supply line extending from the handle assembly to the distal end of the elongated body, and a coupling at the distal end of the elongated body. The handle assembly comprises at least a first user-operable portion. The first actuation member is moveable in response to the movement of the first user-operable portion. Significantly, the coupling releasably couples the elongated body in turn to a clamping head and an electrically-energizable head. Thus, when the elongated body is coupled to the clamping head, the first actuation member controls clamping of the clamping head, and when the elongated body is coupled to the electrically-energizable head, the electrical supply line electrically energizes the electrically-energizable head.

Tsuruta discloses a surgical stapler for stapling and fastening body tissues. The surgical stapler comprises an operation section 1, an insertion section 2, and a stapling member 5. The insertion section 2 is connected at its proximal end to the operation section 1. The insertion section 2 comprises an inner tube 8 and an outer tube 9 mounted on the outer peripheral surface of the inner tube. The stapling member 5 comprises a cartridge 3 and an anvil 4, and is coupled to the distal end of the insertion section 2. The operation section 1 has an operating member 6 and a staple-driving handle 7. The operating member 6 can be pushed and pulled to open and close the stapling member 5. The handle 7 can be squeezed to drive staples into living tissues to stitch the tissues together.

The Tsuruta stapler further comprises a wire-cutter 20 disposed within the stapling member 5. The wire-cutter 20 is electrically connected to high-frequency cautery device 35 through a conductor 31, a connecting pin 32, a cable connector 34 and a cable 33. Thus, the high frequency wave generated by the cautery device 35 is applied to the wire-cutter 20 to cauterize the tissues to prevent the tissues from bleeding.

The anvil 4 and the cartridge 3 of the stapling member 5 are separately coupled to the insertion section 2. Specifically, the cartridge 3 has a hinge groove 16 which engages with a hinge pin 11 of the inner tube 8 to couple the cartridge 3 with the insertion section 2. The anvil 4 comprises a projection 17 which fits into a recess 13 of the inner tube 8 of the insertion section 2 and is biased upwardly by a leaf spring. Thus, the anvil 4 is coupled to the insertion section 2 and maintains a normally open position relative to the cartridge 3.

Tsuruta further discloses, in the second embodiment thereof, a surgical stapler in which the stapling member is coupled to the insertion section by a hinge (see Col. 13, Line 57- Col 14, Line 66, and Fig. 34). Tsuruta further discloses, in the third embodiment thereof, a surgical stapler in which the stapling member is incorporated into the insertion section (see Col. 18, Line 56- Col 19, Line 41, and Fig. 44).

Claim 1 is distinguishable from Tsuruta in that Tsuruta fails to disclose the feature, “a coupling at the distal end of the elongated body for releasably coupling the elongated body in turn to a clamping head and an electrically-energizable head”, thus when the elongated body is coupled to the clamping head, the first actuation member controls clamping of the clamping head, and when the elongated body is coupled to the electrically-energizable head, the electrical supply line electrically energizes the electrically-energizable head.

Although Tsuruta discloses that the stapling member can be coupled with the insertion section by the engagement between a projection and a recess, the insertion of a hinge pin into a hinge groove or a single hinge passing through the stapling member and the insertion section, Tsuruta does not disclose that a coupling means is employed to releasably couple the insertion section in turn to a clamping head and an electrically-energizable head, as recited by claim 1.

Thus, Tsuruta fails to disclose each and every element of claim 1, from which claims 2-4, 6, and 7 depend. Accordingly, the rejection of claims 1-4, 6 and 7 under 35 U.S.C. §102(b) based on Tsuruta is overcome and withdrawal thereof is respectfully requested.

Applicants’ independent claim 21, as amended, recites a stapler head. The stapler head comprises, *inter alia*, a first jaw including an anvil, a second jaw operatively associated with the first jaw and opposite to the first jaw, an actuation mechanism associated with the movement of the first and second jaws, and a staple holder including a staple supply. A distal end of the actuation mechanism is releasably coupled to a proximal end of the stapler head. The second jaw comprises a staple driving mechanism. When the staple holder is received by the second jaw, the staple supply of the staple holder is actuated by the staple driving mechanism. Significantly, the anvil is removably receivable by the first jaw and the staple holder is removably received by the second jaw.

As stated above, Tsuruta discloses a surgical stapler comprising an operation section, an insertion section, and a stapling member. Specifically, the stapling member comprises an anvil and a cartridge for holding staples. However, Tsuruta does not disclose that the anvil is removably

received by a first jaw and the cartridge is removably received by a second jaw operatively associated with the first jaw, as recited by claim 21.

Thus, Tsuruta fails to disclose each and every element of claim 21, from which claims 22 and 24 depend. Accordingly, the rejection of claims 21, 22 and 24 under 35 U.S.C. §102(b) based on Tsuruta is overcome and withdrawal thereof is respectfully requested.

The Examiner has rejected claims 21, 22 and 24 under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 6,032,849 to Mastri et al. (hereafter "Mastri"). The rejection is respectfully traversed.

To maintain a rejection under 35 U.S.C. §102(b), a reference must teach each and every element of a claim. Mastri fails to do so.

Claim 21, as amended, is discussed above.

Mastri discloses a surgical stapler adapted for use with different stapling units. The surgical stapler comprises a handle assembly, an elongated body extending distally from the handle assembly, an actuation member linearly moveable in response to the movement of the handle assembly, a staple cartridge supported by the elongated body and containing staples, an anvil mounted adjacent to the cartridge, and an actuator operatively connected to the actuation member. Specifically, Mastri discloses a conventional bayonet-type coupling facilitating engagement and removal of the stapling units from the surgical stapler. However, Mastri does not disclose that the anvil is removably received by a first jaw and the cartridge is removably received by a second jaw operatively associated with the first jaw, as recited by claim 21.

Thus, Tsuruta fails to disclose each and every element of claim 21, from which claims 22 and 24 depend. Accordingly, the rejection of claims 21, 22 and 24 under 35 U.S.C. §102(b) based on Mastri is overcome and withdrawal thereof is respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that the subject application is in condition for allowance, which action is earnestly solicited.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'F. S. DiGiglio', written in a cursive style.

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